

MEMORANDUM

March 8, 2005

To: Members of Congress, State Department Officials

From: The Family of Rachel Corrie

Subject: Department of State's 2004 Human Rights Report Listing for Rachel Corrie

On February 28, 2005, the Department of State submitted to Congress its 2004 Human Rights Report entitled "*Country Reports on Human Rights Practices*." The report included reference to the killing of our family member, Rachel Corrie. Members of Congress, as well as our family, indicated in testimony and in written statements to the Department that concerns existed regarding the Department's reference to Rachel in the 2003 Human Rights Report. Therefore, we find it disturbing that the 2004 Human Rights Report continues to publicly perpetuate inaccuracies regarding Rachel's killing and the Department's own statements regarding the credibility of the Israeli investigation into the incident. We respectfully request that the following concerns be addressed with the Department of State and members of Congress, that the report's inaccuracies be changed, and that the Department as well as all Government officials work to ensure accurate reporting of the killing in all official correspondence, reports, and documentation.

Concerns Regarding the Department's 2004 Human Rights Report Statements regarding Rachel Corrie

1. The 2004 Human Rights Report states, "*The Corrie family believes that the investigation was not thorough, credible, and transparent and continued to pursue the case.*" In this, their own report, the Department of State fails to include their own assessment of the Israeli military investigation as articulated in official State Department correspondence of June 11, 2004. In that letter to the Corrie family, Mr. Larry Wilkerson, Chief of Staff to Colin Powell, writes that he can say "without equivocation," that the department does not consider the report on the Israeli military investigation into Rachel Corrie's killing to reflect an investigation that was "thorough, credible and transparent" as was promised to President Bush by Prime Minister Sharon in March 2003.

Your ultimate question, however, is a valid one, i.e., whether or not we view that report to have reflected an investigation that was 'thorough, credible and transparent'. I can answer your question without equivocation. No, we do not consider it so.

Larry Wilkerson – June 11, 2004

The statement in the Wilkerson letter was clearly an official response to questions posed to the Department of State by the Corrie family. At no time did the State Department under the Powell Administration, or Mr. Wilkerson, ever indicate that this statement was made in anything other than an official capacity. In fact, statements made to Corrie family members during a December 2004 meeting with Mr. Wilkerson, accentuated that this was clearly a departmental finding. **The Department of State needs to stand behind the Department's own words, rather than attribute those words solely to the Corries.**

2. The 2004 Human Rights Report refers to "*people involved in the accident.*" By using the word "accident," the Department of State endorses the conclusion of an Israeli report that the Department has itself characterized as failing to reflect an investigation that is thorough, credible, and transparent and of which the Department has been denied a copy. Note: the State Department's own report *U.S. Citizen Deaths from Non-Natural Causes* (reporting period: October 01, 2003 to June 30, 2004) does not list Rachel's killing as an accident. Rather, her death is cited as "other." Originally, this report did list Rachel's killing as "other accident," but the State Department changed the notation to

"other," indicating the Department's agreement with the family that Rachel's killing should not be classified as an accident. **Without a thorough, credible, and transparent investigation, the State Department should drop all reference to Rachel's killing as an "accident"**

3. The 2004 Human Rights Report reads, *"U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses."* This reference does not accurately reflect the statements made in the memorandum by Richard LeBaron, Deputy Chief of Mission to the U.S. Embassy in Tel Aviv, written after reading the Israeli Advocate General's report about Rachel's killing. The reference does not make clear that the inconsistencies cited in the LeBaron Memorandum were between the statements of IDF personnel involved in the incident – not between members of the IDF and international witnesses. The LeBaron Memorandum specifically mentions three "inconsistencies worthy of note," all relating solely to the IDF testimony. The memorandum contains no mention of any inconsistencies in the reports of the international eyewitnesses. The sentence in the Human Rights report may, in fact, lead readers to believe erroneously that the inconsistencies are only between IDF personnel and international witnesses to the killing. **The Human Rights Report should clearly reflect that U.S officials who have seen the report found "inconsistencies worthy of note" in the IDF testimony.**
4. The 2004 Human Rights Report continues to refer to *"IDF investigations"* which infers that multiple investigative processes occurred. The Department of State documented in writing that the results of the Command Report were "unsatisfactory." It was orally indicated to the family that we should not consider this the investigation. The Command Report is a report that is compiled by the military commanders responsible for the actions of the IDF unit involved in Rachel's killing. This report, a PowerPoint presentation, shows no evidence of being the result of any investigative process and, therefore, should not be classified by the Department of State as such. **The Human Rights Report should drop all reference to more than one investigation.**
5. The 2004 Human Rights Report refers to an Israeli bulldozer *"clearing land in Rafah in the Gaza Strip."* According to eyewitnesses, the IDF was pushing on buildings and a wall that day. Rachel's actions clearly indicate that she believed the Nasrallah home was being threatened. Without a thorough, credible, and transparent investigation, there is no ability for the Department of State to objectively characterize the activity or intent of the IDF operations. The intent of the IDF on March 16, 2003, regarding demolition of the Nasrallah home has not been conclusively determined. However, the IDF's intention for this home was made indisputably clear in October 2003, during "Operation Root Canal," when the Nasrallah family was forced to leave it, and, also, in subsequent IDF actions, when the home was fully demolished. Given all of these findings, certainly the IDF acts should not officially be described by the Department of State as the benign "clearing land." **The Human Rights Report should remove this reference or clearly articulate that there is discrepancy between the IDF and eyewitness descriptions of IDF activity that day. The report should then, also, include the information that the Nasrallah home was eventually demolished by the IDF.**
6. The 2004 Human Rights Report lists Rachel's killing under Section 4: *"Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights."* (Addendum 1) Our family articulated in writing to the Department of State and members of Congress that Rachel's killing should also be included under Section 1: *"Respect for the integrity of the person, including (a) Arbitrary or Unlawful Deprivation of Life."* (Addendum 2)
 - The killing of a civilian, whether intentional or not, still clearly falls under the Department of State's own definition of *"Arbitrary or Unlawful Deprivation of Life."* Given the Department's own definition, Rachel's killing should be included under this

category. **Our family would like an explanation from the Department for why this has not occurred.**

- There are other activists and journalists whose deaths are listed along with Rachel's in Section 4, ***“Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.”*** Judging from the Department's definition for Section 4, this appears to be an acknowledgement that Rachel was in Gaza as a member of the International Solidarity Movement to investigate violations of human rights, and was killed while doing so. **If the Department intends for that characterization to be made, then all Department documentation and correspondence regarding Rachel needs to clearly reflect that view.**
- **The family requests that Rachel be referenced in both Section 1a and Section 4.**

We provide here three versions of text regarding Rachel that can be used for comparison purposes. The first is the Department of State's listing regarding Rachel as printed in the 2003 Human Rights Report; the second is the Corrie family's response to the 2003 listing--requested changes that were sent to the Department in November 2004; the third is the current, 2004 Human Rights Report listing about Rachel, with those words that concern our family clearly marked.

Original 2003 Human Rights Report Paragraph Regarding Rachel Corrie:

On March 16, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US Citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Rachel was in front of the bulldozer as he proceeded forward. The IDF conducted two investigations into the case, including a polygraph of the operator, and found no negligence on the part of the operator. The operator knew that there were demonstrators in the area, but claimed he did not see Corrie at the time she was struck. However, the report of the IDF Judge Advocate General recommended several remedial measures including remedying blindspots from the cabs of armored bulldozers, for improved safety during future operations.

Corrie Family's Requested Changes to the Original 2003 Paragraph (as marked, and submitted to the Department of State in a detailed written request of November 14, 2004):

On March 16, an Israeli bulldozer ~~clearing land~~ in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US Citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Rachel was in front of the bulldozer as he proceeded forward. ~~The IDF conducted two investigations into the case, including a polygraph of the operator, and found no negligence on the part of the operator. A report of the IDF Judge Advocate General stated the~~ The operator knew that there were demonstrators in the area, but claimed he did not see Corrie at the time she was struck. ~~However, the report of the IDF Judge Advocate General~~ This report recommended several remedial measures, including remedying blindspots from the cabs of armored bulldozers, for improved safety during future operations. The report stated that the IDF found no negligence on the part of the operator. However, the Department of State does not consider this report to reflect an investigation that was thorough, credible, and transparent, as was promised to President Bush by Israeli Prime Minister Ariel Sharon in March of 2003.

Current 2004 Human Rights Report Paragraph Regarding Rachel Corrie

On March 16, 2003, an Israeli bulldozer **clearing land** in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a U.S. citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Corrie was in front of the bulldozer as he proceeded forward. **IDF investigations** concluded that the operator

was not negligent. U.S. officials who have seen the IDF report **found inconsistencies among the statements of the people involved in the accident and other witnesses.** **The Corrie family believes that** the investigation was not thorough, credible, and transparent and continued to pursue the case. In conjunction with the report of the IDF Judge Advocate General, the IDF implemented two remedial procedures for improved safety: The presence of more senior officers to oversee such operations and the designation of closed military zones with orders forbidding the presence of civilians in areas when IDF military operations are concluded.

Thank you for your review of this matter. Our family is happy to make ourselves available to members of Congress, the Department of State, and other government entities, as needed, to ensure that these concerns are sufficiently addressed. We appreciate the willingness of members of Congress to discuss these issues in a meeting with the Department of State, and look forward to the results of such effort. Please feel free to contact the family with any additional questions or concerns.

Sincerely,



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ADDENDA

Addendum 1: The Department of State's Human Rights Report Definition for "Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights"

Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. Also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. Discusses corruption in the executive or legislative branches of government and whether the public has access in law and practice to government information.

Addendum 2: The Department of State's Human Rights Report definition for "Arbitrary or Unlawful Deprivation of Life"

Includes killings in which there is evidence of government involvement without due process of law or of political motivation by a government or by opposition groups. Also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as killings committed by police or security forces that resulted in the unintended death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders). In general, excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out (see also "Internal Conflicts" below). Although mentioned briefly here, deaths in detention due

to official negligence are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."